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SUMMARY RECORD OF THE 35th MEETING

Chairman: Mr. TEIRLINCK (Belgium)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

CONTENTS

AGENDA ITEM 105: REVIEW OF THE EFFICIENCY OF THE ADMINISTRATIVE AND FINANCIAL FUNCTIONING OF THE UNITED NATIONS (continued)

AGENDA ITEM 107: PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995 (continued)

Revised estimates under section 21, Human Rights

Revised estimates under section 31, Office of Internal Oversight Services

Revised estimates under section 4, Office of the United Nations Special Coordinator in the Occupied Territories

Revised estimates under sections 3A, 3B, 3C, 4, 8, 15, 24 and 28 and income section 1

Revised estimates under sections 3 and 8 (Africa: critical economic situation, recovery and development)

Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (continued)

Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (continued)

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CONTENTS (continued)

AGENDA ITEM 122: FINANCING OF THE UNITED NATIONS PROTECTION FORCE (continued)

AGENDA ITEM 126: FINANCING OF THE UNITED NATIONS OBSERVER MISSION IN GEORGIA (continued)

AGENDA ITEM 111: PATTERN OF CONFERENCES (continued)

The meeting was called to order at 3.30 p.m.

AGENDA ITEM 105: REVIEW OF THE EFFICIENCY OF THE ADMINISTRATIVE AND FINANCIAL FUNCTIONING OF THE UNITED NATIONS (continued)

Outline of the programme budget for the biennium 1996-1997 (A/49/310 and A/49/796)

1. Mr. ACAKPO-SATCHIVI (Secretary of the Committee) said that, in paragraph 8 of document A/49/796, the words "Secretary-General's preliminary estimate" should be changed to "initial 1994-1995 appropriations".

2. Mr. CONNOR (Under-Secretary-General for Administration and Management) said that the proposed programme budget outline for the biennium 1996-1997 was a preliminary estimate of resources needed for the proposed programme of activities during the biennium 1996-1997. It was based on priorities, reflecting general trends of a broad sectoral nature; it also showed real growth and referred to the size of the contingency fund.

3. The initial appropriations were $2,580,200,000; as add-ons, there were the projected implications of General Assembly decisions, which were $78.9 million, so that the projected revised appropriations were $2,659,100,000 for the current biennium. There was negative growth of $85.1 million, or -3.2 per cent. The preliminary estimate for 1996-1997 was therefore $2,574,000,000.

4. Mr. TAKASU (Controller) said that the outline had been prepared in accordance with the new budgetary procedure. The preliminary estimate for 1996-1997 had been costed at the initial cost parameters for 1994-1995. If that amount was compared with the initial appropriation for 1994 of $2,580,200,000, it was $6 million less in real terms, so that the net base of the next proposed programme budget would be less than the initial 1994-1995 budget in real terms.

5. When the outline had been prepared, during the summer, it had been expected that the implications of General Assembly decisions would amount to $78.9 million, but it was now clear that the actual amount would be about $57.5 million because of reduced requirements for the United Nations Observer Mission in South Africa (UNOMSA) and the International Civilian Mission in Haiti (MICIVIH). Furthermore, resources provided for a series of conferences and meetings that had taken place in 1994-1995 would not be required in the next biennium, and no provision was made in the preliminary estimate for a number of special missions whose mandates had been completed in 1994-1995. There was also a projected reduction in capital expenditures in respect of certain conference facilities. Net additional requirements were therefore estimated at $6 million.

6. Within that restrained budgetary growth, an attempt was being made to accommodate increased responsibilities in certain priority areas, such as the economic and social sectors (including the New Agenda for the Development of Africa and the regional commissions), human rights and humanitarian affairs, peace-keeping, and internal oversight.

7. The budget outline had been prepared on a minimum-requirement basis after giving effect to the anticipated benefits from technological advances and other factors. However, it had to be emphasized that new mandates legislated by the General Assembly would require additional resources.

8. If the preliminary estimate for the next biennium was compared with the preliminary revised appropriations for 1994-1995, the growth rate was 3.2 per cent. However, that percentage might change when the final revised appropriations were decided upon in the next few days by the Committee and would probably be slightly less than had been anticipated in the summer. Compared with the initial 1994-1995 budget, it was 0.2 per cent, so there was no change in that percentage.

9. With regard to the size of the contingency fund, in the light of experience over the past three bienniums it was recommended that it should be maintained at the same level of 0.75 per cent of the overall level of resources. That level should be adequate to accommodate additional expenditures deriving from legislative mandates not provided for in the proposed programme budget as long as the criteria for the use of the contingency fund were maintained.

10. The outline was not a preliminary budget but a preliminary cost estimate to enable Member States to agree at an early stage on the general outline, level and content of the proposed programme budget and provide guidelines to be followed by the Secretary-General in preparing the actual budget early in 1995.

11. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the outline was not a budget but merely a preliminary estimate which would be used by the Secretary-General to prepare the budget for 1996-1997. Therefore not all the steps that were used to keep to a minimum the amount that Member States were called upon to pay to implement the mandates of the Organization would necessarily be applied when the preliminary estimates were being prepared.

12. The Advisory Committee had inquired into the basis for the estimate of $5 million for the backstopping of peace-keeping operations and the criteria used and had considered various options, including the deletion of that amount, but had decided against such a recommendation. However, in paragraph 5 of its report (A/49/778), it requested the Secretary-General, when preparing his proposed programme budget for the biennium 1996-1997, to base his request on such decisions as the General Assembly took on the question of criteria for sharing the costs of backstopping peace-keeping operations.

13. The Advisory Committee had indicated in its report on the support account for peace-keeping operations (A/49/778) that it intended to revert to the question of the criteria for deciding on how support activities were to be financed at its resumed session in February 1995.

14. The Advisory Committee's recommendations on the proposed programme budget outline appeared in paragraph 9 of its report (A/49/796). It was recommending a preliminary estimate of $2,750.1 million; included in that figure was an amount of $201.7 million representing rates of inflation in 1996-1997; however, that figure would be revised by the General Assembly at its fiftieth session, when it

determined the appropriate rates of exchange and inflation to be used in the 1996-1997 budget. At times, those rates had been revised upwards, leading to additional expenditure; at other times they had been revised downwards.

15. On the question of the contingency fund, the Advisory Committee noted that had it not been for its recommendations in 1994, the proposals of the Secretary-General chargeable to the contingency fund would have exceeded the balance remaining in the fund. For that reason it was recommending in paragraph 10 that the Secretary-General should include in his proposed programme budget for the biennium 1996-1997 information on the nature of expenses charged to the contingency fund so far to enable it to review procedures for the use, operation and level of the fund.

16. For the time being the Advisory Committee agreed with the Secretary-General that the fund should be set at 0.75 per cent of the preliminary estimates. The Advisory Committee was therefore recommending that the fund should be set at $20.6 million.

17. Mr. STÖCKL (Germany), speaking on behalf of the European Union, said that the purpose of the budget outline was to indicate to the Secretary-General the level of the regular budget for the next biennium that member States were inclined to accept and to provide reassurances to the latter that the budget would not deviate significantly from their expectations.

18. The European Union welcomed the fourth outline submitted in accordance with the new budgetary process, which, after recosting by the Advisory Committee, represented a preliminary estimate of $2,574 million. It welcomed the Secretary-General's efforts to maintain the regular budget below existing levels in real terms and hoped to see further savings reflected in the actual budget as a result of efficiency gains. At the same time, there were risks. Conferences, and their follow-up, acted as a constant distortion factor, as did capital expenditures and changes in the targeted time-span of other activities. The spill-over of special conferences and meetings from 1995 into 1996-1997 or of special missions extending beyond their original mandate could pose many problems. However, unforeseeable expenses like the expenses for UNOMSA, the United Nations Human Rights Verification Mission in Guatemala (MINUGUA), the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the costs for the Integrated Management Information System (IMIS) should not be included in the budget outline. The contingency fund had not been created to cover such expenses.

19. The preliminary estimates did not make any provision for inflation or the anticipated impact of currency fluctuations in 1996-1997, notwithstanding the provisions of paragraph 10 of General Assembly resolution 41/213. The problem of additional expenditures had been kept under review, but a solution was still as far away as ever.

20. The European Union supported the proposal for an additional $6 million for the economic and social sectors, including the United Nations New Agenda for the Development of Africa in the 1990s. However, it felt that the increase of 1 per cent in the area of human rights and humanitarian affairs might not be

sufficient to meet the significantly increased number of mandates in that area, including those arising from the Vienna Declaration and the establishment of the Office of the United Nations High Commissioner for Human Rights, and requested the Secretary-General to review the proposed appropriations for human rights with a view to increasing them.

21. The European Union supported the proposed increase for the Office for Inspections and Investigations, in which many Member States placed great expectations for enhanced efficiency. During the budgetary process, activities that were obsolete or of marginal utility must be identified. The European Union welcomed the limited transfer of resources, particularly to the human rights sector, in the current budget, and encouraged the Secretary-General to explore further the possibilities for transferring resources from low to higher priority areas in line with the priorities of the medium-term plan and the general trends of a broad sectoral nature referred to in paragraph 13 of the outline (A/49/310). The European Union could accept the Secretary-General's proposal on the level of the contingency fund.

22. The European Union hoped that efficiency gains would materialize and would result in additional savings; it believed that considerably greater savings could be achieved without any negative impact on the delivery of programmes.

23. Since the budget outline had been prepared on a minimum requirement basis, new mandates to be legislated by the General Assembly would require additional resources and that could mean additional demands on the limited resources of the contingency fund. The policy of add-ons to the budget had led the Organization into the financial crisis of the mid-1980s; that had been one of the most important topics dealt with by the Group of High-level Intergovernmental Experts to Review the Administrative and Financial Functioning of the United Nations, whose recommendation on the matter had been endorsed by the General Assembly in resolution 41/213. The European Union hoped that the history of add-ons would not be repeated.

24. Ms. STUDE (Finland), speaking on behalf of the five Nordic countries, said that the budget outline was to be used by the Secretary-General as a framework in the preparation of the proposed programme budget. The preliminary estimate of resources for the biennium 1996-1997 did not reflect new mandates or additional expenditure resulting from inflation, new exchange rates or the possible continuation or follow-up of activities related to international peace and security and to major conferences. The Nordic countries welcomed the Secretary-General's intention to maximize the output of resources committed and to review to what extent efficiency gains from cost-effective measures could be achieved without a negative impact on programme delivery. They were convinced that such gains could be identified. There should also be benefits from the implementation of IMIS. Member States and the Secretariat must endeavour to identify obsolete or redundant mandates and activities to be discontinued and actively engage in priority-setting.

25. The Nordic countries supported the proposal to pay special attention to the economic and social sectors, including the United Nations New Agenda for the Development of Africa in the 1990s; human rights and humanitarian affairs; backstopping of peace-keeping operations; and strengthening of the internal

oversight functions. They welcomed the efforts of the Secretary-General to set the priorities of the proposed programme budget so as adequately to reflect changing circumstances, in a way that was consistent with the priorities agreed upon in the context of the medium-term plan. As a follow-up to the United Nations Conference on Environment and Development, "sustainable development" should be a component in the area of "international cooperation for development". The Secretary-General's intention to make proposals to strengthen human rights activities should be accompanied by a General Assembly decision to increase the appropriations for that purpose. The Nordic countries welcomed the Secretary-General's intention to increase the financing of backstopping of peace-keeping operations over the regular budget.

26. Member States had great expectations about the performance of the Office of Internal Oversight Services; it was of the utmost importance to guarantee that the Office's resources were commensurate to its tasks.

27. As to the contingency fund, in the light of past experience the Nordic countries hoped that the use of the fund would be kept under continuous review.

28. Mrs. GOICOCHEA (Cuba) said that her delegation attached great importance to the programme budget outline, the preliminary nature of which had been emphasized by the Controller. Her delegation expected that the final programme budget proposal for the biennium 1996-1997 would take into account the overriding need to ensure that all the mandates approved by Member States were carried out. Her delegation was concerned at the negative growth in the resources to be allocated for activities of international cooperation for development. The level of resources proposed by the Secretary-General for that purpose did not reflect the priority which Member States attached to it.

29. Her delegation supported a reduction in the estimated $5 million in additional requirements for the backstopping of peace-keeping operations, as it had not been considered or decided upon by Member States. Furthermore, she asked whether the requirements for the International Tribunal for the former Yugoslavia had been included in the programme budget outline. There was a need for a better definition of the type of activities that should be financed from the contingency fund, consistent with the guidelines set forth in General Assembly resolution 42/211.

30. She concluded by stressing the importance of maintaining the confidence of all the Member States in the budgetary process by ensuring that the budget fully reflected the decisions taken by the Member States.

31. Mr. TAKASU (Controller), responding to the questions of several delegations, reiterated that the programme budget outline was simply a preliminary estimate of the level of resources that would be required in the actual budget. The same was true for the allocation of resources among programmes or other budget elements. The figures in the outline were therefore only indicative and not final.

32. The formulation of the budget proposal for 1996-1997 would be a dynamic process, taking into account all mandated activities and the concerns of all Member States, and guided by the decisions of the General Assembly. All

37. Mr. SHARP (Australia), supported by Germany, expressed concern at the Advisory Committee's recommendation in paragraph 7 of its report (A/49/7/Add.6), and asked what impact that recommendation would have on the work of the Office of the High Commissioner for Human Rights and the Centre for Human Rights in following up the Vienna Declaration, and on human rights activities in Cambodia.

38. Mr. TAKASU (Controller) said that since the Secretariat had been working solely on the basis of a commitment authority, it anticipated difficulty in recruiting the most qualified personnel. The Secretariat wished to offer longer-term contracts, but under present conditions there was a question as to whether it could do so without the express approval of the General Assembly. There was also a dire need for support staff for the High Commissioner for Human Rights; without increasing the level of the commitment authority or taking some other step, it would be impossible to hire such staff because potential recruits were unwilling to work on such a temporary basis. The Secretariat therefore awaited action by the General Assembly to put the funding for the High Commissioner for Human Rights and the Centre for Human Rights on a more assured basis.

39. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Advisory Committee had received the Secretary-General's report on 16 December, the same day it had approved its own draft report (A/49/796). The Advisory Committee had been working on the basis of an advance text. It was recommending an appropriation of $1,663,100, the amount which, it had been informed, had been committed and expended up to 31 December 1994, and which was therefore to be appropriated out of the $4,473,000. The Advisory Committee had requested information with regard to amounts that would be required up to 31 March 1995, and had been told that $591,200 would be needed. The Advisory Committee was taking no action, but simply saying that the activities covered in the report of the Secretary-General should continue using the balance of the commitment authority already authorized, which was $2,809,900. New posts were being requested in the Secretary-General's proposals, and the Advisory Committee had not had time to analyse the justification for them; that was why the Advisory Committee had made the procedural recommendation in question. It had made the same recommendation with respect to the International Tribunal for the former Yugoslavia, and with respect to the revised estimates under sections 3A, 3B, 3C, 4, 8, 15, 24 and 28 and income section 1, as indicated in document A/49/7/Add.4.

40. Mr. SHARP (Australia) said that, having heard the Controller's explanation, he felt even greater concern with regard to the likely consequences of accepting the Advisory Committee's recommendations. His delegation's concern about authorizing commitment authority rather than approving the necessary appropriation and assessment had become particularly acute since the Fifth Committee was engaged in studying the final appropriations for the biennium. He expressed his delegation's support for the Secretary-General's proposals, but if the Advisory Committee's recommendations were to be adopted, his delegation needed assurances that the detailed review mentioned by the Chairman of the Advisory Committee (A/49/7/Add.6, para. 5) would take place at the earliest opportunity.

41. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) assured the representative of Australia that the Advisory Committee would be considering the matter on a priority basis in February 1995.

42. Mr. STITT (United Kingdom) expressed his delegation's serious concern at the continued failure to submit reports needed by the Fifth Committee to take action on appropriations for a number of key activities which were currently being carried out on the basis of a commitment authority. In the case of the Centre for Human Rights, the Secretariat had, in his delegation's view, satisfactorily responded to the concerns that had originally led the Committee to postpone a decision. The Secretary-General could not ask for commitment authority resources over and above those which had already been made available. His delegation therefore favoured the appropriation of the full amount. The extra posts requested in the Secretary-General's report could be authorized subject to review in the context of recommendations for the next programme budget.

43. Mr. HANSON (Canada), supported by Mr. SHARP (Australia), Ms. ROTHEISER (Austria), Mr. MADDENS (Belgium), Mr. STAVRINOS (Cyprus), Mr. NIELSEN (Denmark), Ms. STULE (Finland), Mr. BOIN (France), Mr. STÖCKL (Germany), Mr. KYVETOS (Greece), Mr. KELLY (Ireland), Mr. MANCINI (Italy), Mr. TSUGAWA (Japan), Mr. MENKVELD (Netherlands), Ms. ALMAO (New Zealand), Mr. BRISEID (Norway), Mrs. EMERSON (Portugal), Mr. MUÑOZ (Spain), Mr. HAMMARSKJÖLD (Sweden), and Ms. SHEAROUSE (United States), stressed the importance of human rights as a priority area for the reallocation of resources, and said that the Organization could afford no further delay in implementation of the consensus decisions of the Vienna World Conference on Human Rights, or in the work of the High Commissioner for Human Rights. They therefore supported the expeditious approval of the resources requested by the Secretary-General.

44. Mr. GOKHALE (India) said that his delegation was sympathetic to the Secretary-General's proposals. In view of the fact that the Advisory Committee had recommended an appropriation of $1,663,000, however, with the balance being met from the commitment authority, he was concerned that there might not be sufficient resources in the contingency fund to cover all the requirements.

45. Ms. PEÑA (Mexico) noted that the report of the Advisory Committee contained some surprises. The Fifth Committee had been given so little time to consider the Advisory Committee's recommendations that she favoured a postponement of a decision on the matter.

46. Mr. ALOM (Bangladesh) said that there was much support for the Secretary-General's proposals, but it was in the interests of all for the points raised by the representative of India to be answered.

47. Mr. CHU Guangyou (China) noted that the Advisory Committee's report was the result of careful study and deserved equally careful consideration by the Fifth Committee. Since the report had only just been received, a hasty decision would be unwise. He wished that the right to development was treated with the same degree of enthusiasm as the issue of human rights. His delegation urged the Committee to adopt a cautious approach.

48. Mr. TAKASU (Controller) said that the request for an appropriation of $4.47 million had been before the Committee for more than a year. In the light of experience, however, the High Commissioner for Human Rights was asking for additional support within that amount. The High Commissioner was facing difficulties in recruiting staff on the basis of a commitment authority. The balance of the contingency fund stood at $16 million, although it would probably be reduced to $14.7 million if the Committee took action on the proposals before it.

Revised estimates under section 31, Office of Internal Oversight Services (A/49/7/Add.7; A/C.5/49/54)

49. The CHAIRMAN suggested that, on the basis of the Advisory Committee's recommendation, the Fifth Committee should adopt the following draft decision:

"The General Assembly

(a) Approves an appropriation in an amount of $396,100 under section 31 of the programme budget for the biennium 1994-1995 subject to the procedures for the use and operation of the contingency fund;

(b) Approves an appropriation in an amount of $103,500 under section 28, Staff assessment, to be offset by an increase in the same amount under income section 1, Income from staff assessment."

50. The draft decision was adopted.

Revised estimates under section 4, Office of the United Nations Special Coordinator in the Occupied Territories (A/49/7/Add.5; A/C.5/49/51)

51. The CHAIRMAN suggested that, on the basis of the Advisory Committee's recommendation, the Fifth Committee should adopt the following draft decision:

"The General Assembly

(a) Approves an appropriation of $2,242,100 under section 4 of the programme budget for the biennium 1994-1995 subject to the procedures for the use and operation of the contingency fund."

52. The draft decision was adopted.

53. Mr. AL-KIDWA (Observer for Palestine) stressed the importance of establishing a coordinating mechanism for United Nations activities in the occupied Palestinian territories. He was appreciative of the fact that the Secretary-General had established the Office of the Special Coordinator and had appointed Mr. Terje Roed Larsen to that post. He hoped that the appointment would prove of great benefit to the Palestinian people in the difficult period ahead.

54. In adopting the revised estimates under section 4 of the programme budget for 1994-1995, the Committee had performed an important task. He regretted, however, that document A/C.5/49/51 had appeared as late as 12 December 1994 and

that it devoted an excessive amount of space to political considerations, which was inappropriate in a technical report. The substantive issues need not be discussed, however, pending the Secretary-General's report on United Nations activities in the occupied territories, including those of the Special Coordinator in response to General Assembly resolution 48/213 and the resolution adopted that day on assistance to the Palestinian people. He stressed that the Special Coordinator's mandate was contained in those resolutions and nowhere else.

Revised estimates under sections 3A, 3B, 3C, 4, 8, 15, 24 and 28 and income section 1 (A/49/7/Add.4; A/C.5/49/44)

55. Mr. TAKASU (Controller), introducing the Secretary-General's report on the revised estimates for activities related to apartheid (A/C.5/49/44), said that under the programme budget for 1994-1995 $6 million had been allocated for such activities to the Department of Political Affairs and $3 million to the Department of Public Information. In accordance with General Assembly resolution 48/258 A, the mandate of the Special Committee against Apartheid was considered to have been successfully concluded and the Committee has therefore been disbanded. The Secretary-General had proposed the consequential amendments to the medium-term plan 1992-1998. The report attempted to convey the budgetary effects of winding down activities relating to the elimination of apartheid. Following in-depth consultations within the Secretariat, the Secretary-General was proposing that of the $5.7 million remaining after the expenditure of $3.4 million in 1994, $4.6 million should be used to strengthen activities in the African continent and the remaining $1 million surrendered to Member States.

56. In the Department of Political Affairs there were 24 posts for activities related to apartheid; it was proposed to redeploy 12 of those posts and abolish the 12 others. In the Department of Public Information it was proposed to abolish 13 of the 19 posts related to apartheid. Some resources would be deployed to strengthen African programmes, such as the New Agenda for the Development of Africa, the proposed convention on desertification and the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders. The servicing of Security Council sanctions committees by the Department of Political Affairs required the continuation of six posts that had previously been authorized on a temporary basis. More resources could also be made available for the special mission to Afghanistan. It was very fortunate that the resources released from the anti-apartheid programmes had come to hand at a time when new needs had arisen. He urged a speedy decision and expressed the hope that the General Assembly would provide clear guidelines.

57. Mr. PIKE (South Africa), supported by Mr. GOKHALE (India), said that the expertise that had been built up in relation to apartheid was extremely useful and wondered whether it could be retained within the relevant units of the Secretariat.

58. Mr. TARZI (Saudi Arabia), noting that the General Assembly had that day approved the special mission to Afghanistan, said that according to the report of the Advisory Committee decisions on the issue would not be finalized until February 1995. The mission was due to leave New York before Christmas, however, and he wondered whether the necessary resources would be made available in time.

the modest sum of $576,600 recommended by the Secretary-General would be approved.

63. Mr. TARZI (Saudi Arabia) said that his delegation wished to know whether the special mission would require resources immediately or in February 1995, considering that it was scheduled to depart at the end of December.

64. Mr. TAKASU (Controller) said that, in 1994, the special mission to Afghanistan had required additional resources of $530,000, which had been transferred from the programme for the elimination of apartheid. To the extent possible, an estimated $600,000 required in 1995 would be financed from the existing resources of the Department of Political Affairs. Referring to table 1 in document A/C.5/49/44, he noted that the remaining balance was $4.2 million, of which $1.8 million was available for non-post expenses. If a decision was further delayed, that sum of $1.8 million would have to cover, inter alia, activities relating to desertification, the critical economic situation in Africa and substantive servicing of the Sanctions Committees. Clearly, it would not be sufficient but the Secretariat would make the best use of the limited resources available to it.

65. Mr. OULD EL GHAOUTH (Mauritania) stressed the need for the equal treatment of items and for consistency in the decision-making process. The Committee should either take action on his proposal to approve the amount requested by the Secretary-General or refer it to informal consultations. The question of desertification was important to both his delegation and the Group of African States.

66. Mr. ALOM (Bangladesh) agreed with the Mauritanian representative. The Advisory Committee's recommendation was not consistent with paragraph 81 of the Secretary-General's report (A/C.5/49/44). Perhaps the problem should be discussed further in informal consultations. Desertification was a very important issue and should be treated accordingly.

67. Mr. DJACTA (Algeria) and Mr. AMARI (Tunisia) stressed the importance of the question of desertification to the African continent and said that the proposal by the Secretary-General was preferable to the recommendation of the Advisory Committee. If the Fifth Committee was not prepared to take a decision, the question should be referred to informal consultations.

68. The CHAIRMAN proposed that the question should be referred to informal consultations for further consideration.

69. It was so decided.

Revised estimates under sections 3 and 8 (Africa: critical economic situation, recovery and development) (A/48/7/Add.8; A/C.5/49/74 and Add.1; A/C.5/49/L.23)

70. Mrs. EMERSON (Portugal), Vice-Chairman, introduced draft resolution A/C.5/49/L.23, on which a consensus had been achieved in informal consultations. She hoped that it would be adopted without a vote.

71. Ms. SHENWICK (United States of America) said that her delegation had confirmed that afternoon that it could not join the consensus because of certain problems it had with paragraph 1. As it stood, the draft resolution did not indicate the benefits of the programme in operational terms. It did not take into account the proposal by the Secretary-General to strengthen activities in Africa under the Department of Political Affairs should the General Assembly decide to redeploy resources from the programme for the elimination of apartheid. It would be wiser to defer action until February 1995 when the two issues could be dealt with simultaneously as part of a more comprehensive approach.

72. The CHAIRMAN proposed referring the question to informal consultations for further consideration.

73. Mr. MAZEMO (Zimbabwe) expressed great surprise that, suddenly, the draft resolution was no longer a consensus text, even though it had been presumed to be so for some time. His delegation insisted that the Committee should make every effort to take action on the basis of the text before it.

74. Mrs. EMERSON (Portugal) said that problems of communication sometimes arose in large delegations. She expressed regret over any possible misunderstanding and suggested that the matter could be resolved immediately in informal consultations.

75. Mr. DJACTA (Algeria) said that his delegation, too, had been under the impression that the draft resolution satisfied the concerns of all. He wished to remind the Committee that the new budget section for Africa had already been discussed at the previous session of the General Assembly when the programme budget for the biennium 1994-1995 had been adopted. At that time, the Group of African States had made many concessions; it had also agreed to submit the current proposal to the Committee for Programme and Coordination and to the Advisory Committee. His delegation therefore wondered what was impeding a consensus and appealed to the Chairman to seek a solution.

76. Mr. MONGELLA (United Republic of Tanzania) said that his delegation was also surprised and was reluctant to engage in further negotiations which might undermine the consensus. His delegation, too, appealed to the Chairman to preserve the consensus on the draft resolution in its current form.

77. Mr. OULD EL GHAOUTH (Mauritania) agreed wholeheartedly with the comments made by the representatives of other African countries. His delegation, too, appealed to the Chairman to preserve the delicate consensus which had been achieved, particularly since the Committee was behind schedule and was delaying the work of the plenary Assembly. Reopening negotiations on an agreed text would set a dangerous precedent. His delegation insisted that the consensus should be respected.

78. Mr. STITT (United Kingdom) said that his delegation had also been taken aback by the turn of events and agreed with the comments which had been made in that regard. As the representatives of the African countries knew, his delegation had difficulty with the concept contained in paragraph 3 and did not favour incorporating the formula contained in the previous decision. It was not

sound budgetary practice to submit financial requirements in that manner. Should negotiations on the text be reopened, his delegation would be constrained to reiterate its earlier reservations. However, it was prepared to accept the text in its current form without further amendment.

79. Ms. SHENWICK (United States of America) said that the fact that the United States delegation to the Fifth Committee was numerous did not mean that it was uncoordinated. That afternoon, the United States delegation had merely reconfirmed a position it had made very clear much earlier. Although it currently had problems with paragraph 1 and the concept it embodied, her delegation was completely willing to participate in informal consultations and believed that the end result would be an improved draft resolution.

80. Mrs. EMERSON (Portugal) said that she had been told by a member of the United States delegation that another member had difficulty with paragraph 1 but had received no further information, apparently because commitments to a subsidiary organ of the Fifth Committee had prevented that representative from communicating with her. She had therefore had no choice but to proceed on the basis of the information she had. She was, however, prepared to discuss the matter in informal consultations.

81. The CHAIRMAN proposed referring the question to informal consultations for further consideration.

82. It was so decided.

83. Mr. AMARI (Tunisia) said that the Committee had taken a very dangerous step which his delegation hoped would not be repeated. However, it agreed that further consideration in informal consultations was the proper course of action.

84. Mr. MONGELLA (United Republic of Tanzania) expressed his delegation's disappointment that negotiations would be reopened on a delicately balanced text which reflected all points of view. He failed to see how further consideration would lead to an improvement.

85. Mr. GOKHALE (India) agreed with all those delegations which had expressed support for the Chairman's text.

86. Mrs. GOICOCHEA (Cuba) said that, like other delegations, her delegation would not oppose the holding of informal consultations on the understanding that all delegations were now entitled to propose the same course of action in the future.

Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (continued) (A/49/7/Add.2; A/C.5/49/29)

87. The CHAIRMAN suggested that the Fifth Committee should adopt the following draft resolution:

"The General Assembly,

"Having considered the report of the Secretary-General (A/C.5/49/29) and the related report of the Advisory Committee (A/49/7/Add.2),

"Approves an appropriation of $10,069,600 under section 4 of the programme budget for the biennium 1994-1995 for the Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA),

"Approves an appropriation of $728,100 under section 28, Staff assessment, offset by the same amount under income section 1, Income from staff assessment."

88. The draft resolution was adopted.

Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (continued) (A/49/7/Add.3; A/C.5/49/25)

89. The CHAIRMAN suggested that the Fifth Committee should adopt the following draft resolution:

"The General Assembly,

"Having considered the report of the Secretary-General (A/C.5/49/25) and the report of the Advisory Committee (A/49/7/Add.3),

"Concurs in the observations of the Advisory Committee as contained in paragraphs 2, 3 and 4 of its report,

"Approves an additional appropriation of $776,000 under section 32 of the programme budget for the biennium 1994-1995, offset by a reduction in the same amount under section 7,

"Decides that should additional resource requirements arise, the General Assembly would consider whether to authorize the Secretary-General to enter into related commitments, as appropriate."

90. The draft resolution was adopted.

AGENDA ITEM 122: FINANCING OF THE UNITED NATIONS PROTECTION FORCE (continued) (A/C.5/49/L.9)

91. Mr. KELLY (Ireland) introduced the draft resolution submitted by the Chairman following informal consultations and drew attention, in particular, to paragraphs 5, 6, 7, 8, 9, 12, 13, 16 and 17. A consensus had been achieved on the text and he recommended it for adoption without a vote.

92. Draft resolution A/C.5/49/L.9 was adopted.

AGENDA ITEM 126: FINANCING OF THE UNITED NATIONS OBSERVER MISSION IN GEORGIA (continued) (A/C.5/49/L.13)

93. Ms. ROTHEISER (Austria) introduced the draft resolution submitted by the Chairman following informal consultations. She drew attention to paragraph 7, which provided for the apportionment of an additional amount of $7,510,900 gross ($7,295,000 net) for the period from 1 July 1994 to 13 January 1995, and to paragraphs 9 and 10. It was her understanding that the General Assembly was requesting the Secretary-General under another agenda item to establish a 12-month budget cycle for peace-keeping operations, beginning on 1 July 1995. That would not pose a problem for the United Nations Observer Mission in Georgia. Consensus had been achieved on the text, which she recommended for adoption without a vote.

94. Draft resolution A/C.5/49/L.13 was adopted.

AGENDA ITEM 111: PATTERN OF CONFERENCES (continued) (A/C.5/49/L.15)

95. Ms. PEÑA (Mexico) introduced the draft resolution submitted by the Chairman following informal consultations and indicated that corrections to the Spanish text had been circulated to delegations.

96. Draft resolution A/C.5/49/L.15 was adopted.

97. Mrs. GOICOCHEA (Cuba) expressed concern about efforts of some delegations to change existing procedure for the control and limitation of documentation, and, in particular, about efforts to reverse decisions already taken by relevant bodies concerning the provision of summary records. Her delegation looked forward to the report which the Secretary-General was to submit to the General Assembly at its fiftieth session concerning summary record requirements in certain subsidiary bodies for consideration by all Main Committees. It also wished to reaffirm the sovereign right of all Member States to request reports and to request their circulation as official documents, which was embodied in numerous General Assembly resolutions, in particular resolution 47/202.

98. Noting that certain regional groups had been unable to meet for lack of interpretation services, she expressed regret at the failure to restore 19 posts to the Office of Conference and Support Services. It was also regrettable that the report justifying the abolition of those 19 posts, requested in General Assembly resolution 48/228, paragraph 41, had never been submitted, demonstrating once again the Secretariat's failure to implement the resolutions and decisions of Member States. Referring to the draft resolution just adopted, she expressed her delegation's hope that paragraph 3 (c) would be duly implemented.

The meeting rose at 6.40 p.m.

UNITED NATIONS

General Assembly

FORTY-NINTH SESSION

*Official Records*

FIFTH COMMITTEE
36th meeting
held on
Wednesday, 21 December 1994
at 3 p.m.
New York

SUMMARY RECORD OF THE 36th MEETING

Chairman: Mr. TEIRLINCK (Belgium)

later: Ms. PEÑA (Mexico)
(Vice-Chairman)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

CONTENTS

ORGANIZATION OF WORK

AGENDA ITEM 107: PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995 (continued)

First performance report

Revised estimates under section 21, Human rights (continued)

Revised estimates under sections 3 and 8 (Africa: Critical economic situation, recovery and development) (continued)

Revised estimates under sections 3A, 3C, 4, 8, 15, 24 and 28 and income section 1 (continued)

AGENDA ITEM 155: PROGRAMME BUDGET FOR THE BIENNIUM 1990-1991 (continued)

AGENDA ITEM 104: FINANCIAL REPORTS AND AUDITED FINANCIAL STATEMENTS, AND REPORTS OF THE BOARD OF AUDITORS (continued)

AGENDA ITEM 113: HUMAN RESOURCES MANAGEMENT (continued)

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CONTENTS (continued)

AGENDA ITEM 146: FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991 (continued)

AGENDA ITEM 132: ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS (continued)

(a) FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS (continued)

AGENDA ITEM 116: FINANCING OF THE UNITED NATIONS PEACE-KEEPING FORCES IN THE MIDDLE EAST (continued)

(a) UNITED NATIONS DISENGAGEMENT OBSERVER FORCE (continued)

(b) UNITED NATIONS INTERIM FORCE IN LEBANON (continued)

AGENDA ITEM 123: FINANCING OF THE UNITED NATIONS OPERATION IN SOMALIA II (continued)

AGENDA ITEM 124: FINANCING OF THE UNITED NATIONS OPERATION IN MOZAMBIQUE (continued)

AGENDA ITEM 128: FINANCING OF THE UNITED NATIONS MISSION IN HAITI (continued)

maintenance of peace and security) would increase the revised net requirements by $28 million to $2,130 million.

6. The CHAIRMAN suggested that the Fifth Committee should adopt the following draft decision:

"The General Assembly,

"(a) Takes note of the report of the Secretary-General (A/C.5/49/43);

"(b) Approves a net decrease of $21,036,900 in the appropriations approved for the biennium 1994-1995, and a net decrease of $49,085,100 in the estimates of income for the biennium 1994-1995, to be apportioned among expenditure and income sections as indicated in the report of the Secretary-General."

7. The draft decision was adopted.

Revised estimates under section 21, Human rights (continued) (A/49/7 Add.6 and Corr.1; A/C.5/49/53)

8. Mr.KELLY (Ireland) said that a consensus had been reached in informal negotiations on the following draft decision on the revised estimates under section 21:

"The General Assembly,

Having considered the report of the Secretary-General and the report of the Advisory Committee on Administrative and Budgetary Questions, and the views of Member States expressed in the Fifth Committee of the General Assembly at its forty-ninth session,

Reaffirming the important role of the Advisory Committee in the budgetary process,

Reiterating the importance of following strictly the normal procedures of budgetary approval,

1. Decides to appropriate, on an exceptional basis, an amount of $4,473,000 under section 21, Human rights, of the programme budget for the biennium 1994-1995, on the understanding that the posts requested by the Secretary-General in his report for the Office of the High Commissioner for Human Rights, the Centre for Human Rights and the United Nations human rights presence in Cambodia are approved on a temporary basis and that all these posts shall be subject to a detailed review by the Advisory Committee on Administrative and Budgetary Questions and by the General Assembly at the earliest opportunity at the resumed forty-ninth session;

2. Decides to appropriate an amount of $1,022,900 under section 28, Staff assessment, to be offset by an increase in the same amount under income section 1, Income from staff assessment;

3. Requests the Secretary-General to provide justification for the establishment of the posts on a permanent basis and an explanation with regard to the observations and recommendations contained in the report of the Advisory Committee to the General Assembly for consideration during its resumed forty-ninth session."

9. Mr. CHU Guangyou (China) said that although his delegation had joined the consensus on the draft decision under consideration, it wished to underscore the need to adhere to the normal procedures for the budgetary process. Since the Secretariat had been late in submitting the relevant documents, neither the Advisory Committee nor Member States had had sufficient time to give the matter due consideration. That situation should be viewed as an exception and must be avoided in the future.

10. The draft decision was adopted.

11. Mrs. GOICOCHEA (Cuba), supported by Mr. CHUINKAM (Cameroon), said that her delegation had strong reservations about the procedure just followed. There was no technical basis for the Committee's decision to approve the appropriations and she feared that an unfortunate precedent had been set. Such selective treatment was inappropriate and Cuba had gone along with the consensus only because the posts were temporary and the issue would be considered again at the resumed session.

Revised estimates under sections 3 and 8 (Africa: critical economic situation, recovery and development) (continued) (A/C.5/49/L.23)

12. Mrs. EMERSON (Portugal) said that general agreement had been reached on draft resolution A/C.5/49/L.23 during the informal consultations and hoped that it would be adopted by consensus.

13. Draft resolution A/C.5/49/L.23 was adopted.

14. Mr. MAZEMO (Zimbabwe) said that his delegation had joined the consensus on the draft decision in spite of the fact that its adoption did not involve any immediate delivery of programmes. He regretted that it had taken so long to reach agreement on the redeployment of resources for activities benefiting Africa and hoped that issues relating to Africa's critical economic situation, recovery and development would be looked at more sympathetically in the future.

15. Mr. MONGELLA (United Republic of Tanzania) said that his delegation had joined the consensus on draft resolution A/C.5/49/L.23 on the understanding that the proposals to be submitted by the Secretary-General, as requested in paragraph 3, would identify programme activities that addressed, in a comprehensive manner, the critical economic situation in Africa. The Secretary-General should propose programme activities focusing on ways to ensure the efficient and effective implementation of the new agenda for the development of Africa. The report to be submitted should identify current human and financial resources available within the Secretariat and should contribute significantly to the consideration of that aspect of the question in the Committee for Programme and Coordination (CPC) and ACABQ and at the next session of the General Assembly.

Revised estimates under sections 3A, 3C, 4, 8, 15, 24 and 28 and income section 1 (continued) (A/49/7/Add.4; A/C.5/49/44)

16. Mr. DJACTA (Algeria) said that, in the informal consultations which he had chaired, agreement had been reached on the text of the following draft decision:

"The General Assembly,

1. Approves the continuation of six temporary posts for the servicing of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, with the related costs to be met from resources currently appropriated under section 3, Political affairs, of the programme budget for the biennium 1994-1995;

2. Decides to accept the redeployment of $576,600 from section 3 to section 8, Department for Policy Coordination and Sustainable Development, of the programme budget for the biennium 1994-1995 for activities related to the international convention to combat desertification as proposed by the Secretary-General in his report, subject to review and adjustment by the Advisory Committee on Administrative and Budgetary Questions and the General Assembly."

17. The draft decision was adopted.

AGENDA ITEM 155: PROGRAMME BUDGET FOR THE BIENNIUM 1990-1991 (continued)

Draft resolution A/C.5/49/L.17

18. Draft resolution A/C.5/49/L.17 was adopted.

AGENDA ITEM 104: FINANCIAL REPORTS AND AUDITED FINANCIAL STATEMENTS, AND REPORTS OF THE BOARD OF AUDITORS (continued)

Draft resolution A/C.5/49/L.14

19. Mr. ACAKPO-SATCHIVI (Secretary) drew the Committee's attention to several corrections in the text of the draft resolution.

20. Mr. BARIMANI (Islamic Republic of Iran) (Vice-Chairman), introduced draft resolution A/C.5/49/L.14, drawing particular attention to operative paragraphs 3, 6, 7 and 11 of draft resolution A, operative paragraphs 2 and 4 of draft resolution B, the third preambular paragraph and operative paragraphs 2, 3, 3 (a), 3 (c), 3 (d), 3 (e) and 3 (f) of draft resolution C, operative paragraph 3 of part D, and operative paragraph 1 of draft resolution E. He then proposed that the draft should be adopted without a vote.

21. Draft resolution A/C.5/49/L.14 was adopted.

22. Mr. GOKHALE (India), said that his delegation believed that the draft resolution just adopted was a substantive resolution. Many delegations had expressed serious concerns on some of the observations made in the report of the Board of Auditors, and his delegation therefore saw the draft resolution as a

serious effort by the Committee to bring those concerns directly to the attention of the Secretary-General, and to provide guidance on the kind of corrective action that the General Assembly expected would be taken in 1995. In that regard, he wished to draw the Secretary-General's attention to important observations regarding the handling of cash and non-expendable property, the report requested on procurement, and guidance provided with regard to accounting standards. His delegation looked forward to receiving the Secretary-General's report on procurement activities no later than 30 April 1995.

AGENDA ITEM 113: HUMAN RESOURCES MANAGEMENT (continued)

Draft resolution A/C.5/49/L.16

23. Mr. SHARP (Australia) introduced draft resolution A/C.5/49/L.16, drawing particular attention to operative paragraphs 1, 2 and 3 of section I, operative paragraph 7 of section II, operative paragraphs 1 and 2 of section III, and operative paragraph 2 of section IV. He urged adoption of the draft without a vote.

24. Mrs. EMERSON (Portugal) expressed her hope that the Secretary-General, when including the implementation of the Strategic Plan for the recruitment of women as a specific indicator in the performance appraisal of all managers, would also make the number of staff recruited as a result of competitive examinations a performance indicator. Such examinations only had meaning if there was effective coordination between programme managers and the Examinations and Tests Section, and it was desirable to ensure that successful candidates were actually recruited. She also asked the Assistant Secretary-General for Human Resources whether he had taken the necessary steps to conform to his legal mandate regarding the release of staff for staff activities.

25. Draft resolution A/C.5/49/L.16 was adopted.

AGENDA ITEM 146: FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991 (continued) (A/49/790; A/C.5/49/42)

26. Ms. ROTHEISER (Austria) said that in the informal consultations she had conducted on the item there had been general support for the Advisory Committee's recommendations, which could be reflected in a draft decision. It was to be hoped that the Committee would resume consideration of the issue before 28 February 1995.

27. The CHAIRMAN suggested that the Committee should adopt the following draft decision:

"The General Assembly

Authorizes the Secretary-General to enter into commitment in an additional amount of $7 million to allow the Tribunal to continue its activities through 31 March 1995, without prejudice to the decisions that

the Assembly might take with regard to the budgetary and administrative matters and to the mode of financing;

Decides to resume consideration of this issue before 28 February 1995."

28. The draft decision was adopted.

AGENDA ITEM 132: ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS (continued)

(a) FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS (continued) (A/C.5/49/L.25)

29. Mrs. EMERSON (Portugal) introduced draft decision A/C.5/49/L.25 concerning the support account for peace-keeping operations. She stressed how important it was that the Advisory Committee should report by 15 March 1995, despite the pressures it was under. She hoped that the draft resolution would be adopted by consensus.

30. Mr. CHUINKAM (Cameroon) said that his delegation could support the draft decision under consideration provided that the Secretariat submitted to the Advisory Committee the organizational chart of the Department of Peace-keeping Operations, including the Field Administration and Logistics Division, and that the Secretary-General provided the Advisory Committee with a detailed and comprehensive explanation of the resources required by the Secretariat in order to ensure effective support for peace-keeping operations.

31. Draft decision A/C.5/49/L.25 was adopted.

AGENDA ITEM 116: FINANCING OF THE UNITED NATIONS PEACE-KEEPING FORCES IN THE MIDDLE EAST (continued)

(a) UNITED NATIONS DISENGAGEMENT OBSERVER FORCE (continued)

(b) UNITED NATIONS INTERIM FORCE IN LEBANON (continued) (A/C.5/49/L.26 and L.27)

Draft resolution A/C.5/49/L.26

32. Mr. BLUKIS (Latvia) introduced draft resolution A/C.5/49/L.26, drawing particular attention to the provisions of paragraphs 3, 5, 6, 7, 11 and 14.

33. Draft resolution A/C.5/49/L.26 was adopted.

Draft resolution A/C.5/49/L.27

34. Mr. BLUKIS (Latvia) introduced draft resolution A/C.5/49/L.27, drawing particular attention to the provisions of paragraphs 5, 6, 7, 10 and 14.

35. Draft resolution A/C.5/49/L.27 was adopted.

36. Mr. BARIMANI (Islamic Republic of Iran) said that had there been a vote on draft resolutions A/C.5/49/L.26 and L.27 his delegation would have abstained.

AGENDA ITEM 123: FINANCING OF THE UNITED NATIONS OPERATION IN SOMALIA II (continued) (A/C.5/49/L.24)

37. Mr. BARIMANI (Islamic Republic of Iran), Vice-Chairman, introduced draft resolution A/C.5/49/L.24, drawing particular attention to paragraphs 1, 7, 8, 9, 11, 12 and 13.

38. Draft resolution A/C.5/49/L.24 was adopted.

39. Mr. AHMED (Pakistan), noting that the conclusion of the Operation was imminent, urged that the apportionment of assessments should be carried out with all possible speed and that all reimbursements should be made promptly and in full.

40. Mr. GOKHALE (India) endorsed the comments of the representative of Pakistan. The Secretariat should take action as soon as possible on all contingent-owned equipment.

The meeting was suspended at 4.30 p.m and resumed at 5.50 p.m.

41. Ms. Peña (Mexico), Vice-Chairman, took the Chair.

AGENDA ITEM 124: FINANCING OF THE UNITED NATIONS OPERATION IN MOZAMBIQUE (continued) (A/49/649; A/C.5/49/L.18)

42. Mr. TAKASU (Controller) said that in accordance with Security Council resolution 957 (1994), all military and civilian personnel serving with the United Nations Operation in Mozambique (ONUMOZ) were expected to be withdrawn from that country on or before 31 January 1995. In order to finance the final phase of the Operation, the General Assembly, in resolution 48/240 B, had authorized the Secretary-General to enter into commitments of up to $25 million with the prior concurrence of the Advisory Committee, for the liquidation of the Operation in the period 16 November 1994 to 31 January 1995. Accordingly, the Secretary-General had requested and obtained the Advisory Committee's concurrence to enter into such commitments. The report of the Secretary-General on the financing of ONUMOZ (A/49/649) contained the financial performance report for the period from 1 November 1993 to 30 April 1994 and the revised cost estimate for the period from 16 November 1994 to 31 January 1995. The revised cost estimate for the final phase was $50.4 million, which was slightly less than what had been anticipated in May 1994.

43. General Assembly resolution 48/240 B also requested the Secretary-General to submit a report, in the context of the revised cost estimates related to the liquidation of ONUMOZ, on the disposal of assets and liabilities. ONUMOZ was still in the process of determining which of its assets should be redeployed to other peace-keeping operations, which should be disposed of within the mission area and which should be recommended for disposal. Because of the extensive coordination involved and consultations with Governments and United Nations bodies, it had not yet been possible to issue a report on disposable assets for

consideration at the current time. That information would be included in the report to be issued after the appropriate review had been carried out. Pending consideration of his report by the Advisory Committee and the Fifth Committee, the Secretary-General, as indicated in draft decision A/C.5/49/L.18, would be authorized, on an exceptional basis, to enter into commitments up to the amount of $50.4 million for the maintenance of ONUMOZ for the period from 16 November 1994 to 31 January 1995. Outstanding contributions by Member States to ONUMOZ currently stood at $88.2 million.

44. The CHAIRMAN said that the Committee would take action on the draft decision at its next meeting.

AGENDA ITEM 128: FINANCING OF THE UNITED NATIONS MISSION IN HAITI (continued) (A/C.5/49/L.12)

45. Mr. TAKASU (Controller) recalled that the Secretary-General had reported to the General Assembly in October 1994 on the financing of the United Nations Mission in Haiti (UNMIH) (A/49/318 and Add.1 and Corr.1). In view of the decision of the Security Council to strengthen the advance team in Haiti, the Secretary-General had requested for the period from 1 August to 31 December 1994 an increased commitment authority in the amount of $1,347,000 gross and for the period from 1 December 1994 to 28 February 1995 an amount of $9,509,300 gross.

46. Mr. SCOTTI (France) said that he was disappointed by the late and incomplete submission to the Committee of the relevant documentation, some of which had not been translated from English into the other official languages. In the circumstances, the Committee needed to exercise extreme caution in considering the Secretary-General's proposals for additional funding.

47. Mr. TAKASU (Controller) pointed out that the commitment previously sought by the Secretary-General was now insufficient, since the staff of the Mission was to be increased by 500 persons with the possibility of further expansion. He therefore sought the understanding of members of the Committee on the matter.

48. The CHAIRMAN proposed that the Committee resume its consideration of the matter the following day.

49. It was so decided.

The meeting rose at 6.45 p.m.